

### **REMARKS**

Claims 1-5, 7-15, and 17-30 are pending in the above-captioned application. Claims 6 and 16 have been cancelled. New claims 28-30 have been added. Claims 1, 7, 8, 11, 14-15, 17-18, and 20 have been amended. Claims 1, 15, 20, 24, 28, and 30 are in independent form.

Claims 1-4, 15-18, and 20-23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,604,782 to De Gaillard et al. ("the '782 reference"). Applicants respectfully traverse the rejection.

Independent claim 1 of the above-captioned application claims a panel support structure fixedly secured to a movable rail to support the movable rail and a plurality of roof panels in a stacked configuration, and a linkage assembly pivotally connected to the panel support structure for pivoting and articulating the movable rail and the panel support structure relative to the fixed rail when the plurality of roof panels is in the stacked configuration in order to stow the plurality of roof panels behind a rear seat of a motor vehicle such that the entire roof opening is exposed. The '782 reference does not disclose a panel support structure fixedly secured to a movable rail to support the movable rail. The Examiner characterizes a support for an outside cover 20 that allows the outside cover 20 to pivot in the '782 reference as a disclosure of the panel support structure. In Applicants' view, this support for the outside cover in the '782 reference is actually a guide rail 22. However, the Examiner characterizes the guide rail 22 in the '782 reference as a disclosure of a movable rail from the above-captioned application. Thus, the guide rail 22 cannot serve as a disclosure of a panel support structure. The '782 reference does not, therefore, disclose a panel support structure fixedly secured to a movable rail to support the movable rail and a plurality of roof panels, as required by claim 1 of the above-captioned application.

Claims 2-4 depend from claim 1 and as such, are construed to incorporate by reference all the limitations of claim 1, *see* 35 U.S.C. §112, fourth paragraph. As mentioned above, the '782 reference does not disclose a panel support structure fixedly secured to a movable rail to support the movable rail and a plurality of roof panels in a stacked configuration, and a linkage assembly pivotally connected to the panel support structure for pivoting and articulating the movable rail and the panel support structure relative to the fixed rail when the plurality of roof panels is in the

stacked configuration in order to stow the plurality of roof panels behind a rear seat of a motor vehicle such that the entire roof opening is exposed. Thus, claims 2-4 are allowable.

Independent claim 15 claims a rail locking mechanism coupled to one of a fixed and movable rail and selectively locking the movable rail to the fixed rail. The Examiner states that the coupling parts 47, 48 in the '782 reference are a disclosure of a rail locking mechanism from the above-captioned application. Applicants respectfully disagree. The coupling parts 47, 48 actually selectively couple drive cables 32, 32'. The coupling parts 47, 48 do not lock a guide rail 14 to a guide rail 22. Thus, the '782 reference does not disclose a rail locking mechanism coupled to one of a fixed and movable rail and selectively locking the movable rail to the fixed rail, as required by claim 15 of the above-captioned application.

Claims 17-18 depend from claim 15 and as such, are construed to incorporate by reference all the limitations of claim 15, *see* 35 U.S.C. §112, fourth paragraph. As mentioned above, the '782 reference does not disclose a rail locking mechanism coupled to one of a fixed and movable rail and selectively locking the movable rail to the fixed rail, as required by claim 15. Thus, claims 17-18 are allowable.

Independent claim 20 claims a mounting bracket adapted to be fixedly secured to a motor vehicle, and a linkage assembly pivotally coupled to the mounting bracket and operably connected to a plurality of roof panels for pivoting a plurality of roof panels into a stowed position behind a rear seat of the motor vehicle. The '782 reference does not disclose a linkage assembly pivotally coupled to a mounting bracket. The Examiner states that the '782 reference describes a linkage assembly at Col. 3, lines 29-40. There is, however, no disclosure of a linkage assembly pivotally coupled to a mounting bracket, as required by claim 20 of the above-captioned application.

Claims 21-23 depend from claim 20 and as such, are construed to incorporate by reference all the limitations of claim 20, *see* 35 U.S.C. §112, fourth paragraph. As mentioned above, the '782 reference does not disclose a linkage assembly pivotally coupled to a mounting bracket, as required by claim 20. Thus, claims 21-23 are allowable.

Therefore, Applicants respectfully request that the rejection of claims 1-4, 15-18, and 20-23 under 35 U.S.C. § 102(b) as being anticipated by the '782 reference be withdrawn.

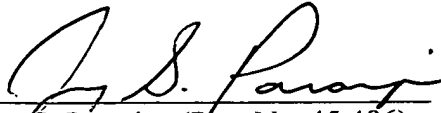
New claims 28-30 have been added. Independent claim 28 claims a retractable roof assembly including a split rail assembly including a fixed rail adapted to be fixedly secured to each of the roof side frame members and extending along a portion thereof, and a movable rail extending rearward of the fixed rail along a remaining portion of each of the roof side frame members; a first roof panel slidably engaging the split rail assembly; a second roof panel slidably engaging the split rail assembly; a third roof panel disposed along the split rail assembly and displaceable in a vertical direction relative thereto to accommodate the first and second roof panels such that the first, second, and third panels are positioned in a stacked configuration above the movable rail; and a linkage assembly for pivoting and articulating the movable rail relative to the fixed rail when the plurality of roof panels is in the stacked configuration in order to stow the plurality of roof panels behind the rear seat of the motor vehicle such that the entire roof opening is exposed.

And new independent claim 30 claims a retractable roof assembly including a split rail assembly including a fixed rail adapted to be fixedly secured to each of the roof side frame members and extending along a portion thereof, and a movable rail extending rearward of the fixed rail along a remaining portion of each of the roof side frame members; a plurality of roof panels extending between the roof side frame members and slidably engaging the split rail assembly for selective movement into a stacked configuration above the movable rail; a linkage assembly for pivoting and articulating the movable rail relative to the fixed rail when the plurality of roof panels is in the stacked configuration in order to stow the plurality of roof panels behind the rear seat of the motor vehicle such that the entire roof opening is exposed; and an actuator operably connected to the linkage assembly for actuating pivotal and articulating movement of the plurality of panels behind the rear seat of the motor vehicle.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

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Amdt dated Nov. 12, 2008  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay S. Paranjpe", written over a horizontal line.

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